IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,	CR 17-75-GF-BMM-JTJ
Plaintiff,	**FINDINGS AND RECOMMENDATIONS**
vs.	
ANTONIO TODD TIGART,	
Defendant.	

I. Synopsis

Defendant Antonio Todd Tigart (Tigart) has been accused of violating the conditions of his supervised release. Tigart admitted the alleged violation. Tigart's supervised release should be revoked. Tigart should receive a sentence of time served, with no supervised release to follow.

II. Status

Tigart pleaded guilty to being a Prohibited Person in Possession of a Firearm. (Doc. 16). The Court sentenced Tigart to 14 months of custody, followed by 2 years of supervised release. (Doc. 22). Tigart's current term of supervised release began on April 6, 2020. (Doc. 26 at 1).

Petition

The United States Probation Office filed a Petition on March 23, 2021, requesting that the Court revoke Tigart's supervised release. (Doc. 26). The Petition alleged that Tigart had violated the conditions of his supervised release by committing another crime.

Initial appearance

Tigart appeared before the undersigned for his initial appearance on March 24, 2022. Tigart was represented by counsel. Tigart stated that he had read the petition and that he understood the allegations. Tigart waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a revocation hearing on March 24, 2022. Tigart admitted that he had violated the conditions of his supervised release by committing another crime. The violation is serious and warrants revocation of Tigart's supervised release.

Tigart's violation is a Grade A violation. Tigart's criminal history category is III. Tigart's underlying offense is a Class C felony. Tigart could be incarcerated for up to 24 months. Tigart could be ordered to remain on supervised

release for up to 24 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 18 to 24 months.

III. Analysis

Tigart's supervised release should be revoked. Tigart should receive a sentence of time served, with no supervised release to follow. This sentence is sufficient but not greater than necessary.

IV. Conclusion

The Court informed Tigart that the above sentence would be recommended to United States District Judge Brian Morris. The Court also informed Tigart of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Tigart that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. Tigart stated that he wished to waive his right to object to these Findings and Recommendations, and that he wished to waive his right to allocute before Judge Morris.

The Court **FINDS**:

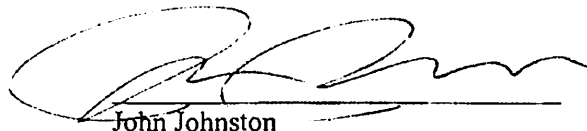> That Antonio Todd Tigart violated the conditions of his supervised release by committing another crime.

The Court **RECOMMENDS:**

> That the District Court revoke Tigart's supervised release
> and commit Tigart to the custody of the United States Bureau of
> Prisons for a term of time served, with no supervised release to
> follow.

NOTICE OF RIGHT TO OBJECT TO FINDINGS AND RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT

The parties may serve and file written objections to the Findings and

Recommendations within 14 days of their entry, as indicated on the Notice of

Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will

make a de novo determination regarding any portion of the Findings and

Recommendations to which objection is made. The district court judge may accept,

reject, or modify, in whole or in part, the Findings and Recommendations. Failure

to timely file written objections may bar a de novo determination by the district

court judge, and may waive the right to appear and allocute before a district court

judge.

DATED this 24th day of March, 2022.

John Johnston
United States Magistrate Judge